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UNCLAS USUN 5476

E.O. 11652: N/A

TAGS: UNGA, EAID

SUBJ: 29TH UNGA: SECOND COMMITTEE: ITEM 42

DRAFT RES ON LAND-LOCKED DEVELOPING COUNTRIES

(L.1359/REV.1)

REF: STATE 247513

1. SECOND COMMITTEE 25 NOVEMBER ADOPTED SUBJECT DRAFT RES UNDER WHICH THE GA WOULD REQUEST THE SYG TO SUBMIT TO ITS SPECIAL SESSION NEXT SEPTEMBER, A COMPREHENSIVE STUDY ON THE TRANSIT PROBLEMS OF THE LAND-LOCKED DEVELOPING COUNTRIES AND A COMPLETE STUDY ON THE ESTABLISHMENT OF A FUND IN FAVOR OF THOSE COUNTRIES IN FACILITATING THEIR RIGHT OF FREE ACCESS TO AND FROM THE SEA, AS WILL BE IMPLEMENTED IN RELEVANT AGREEMENTS.
2. RES ADOPTED BY A ROLL-CALL VOTE OF 118(US)-0-6 (COLOMBIA, GABON, INDIA, KENYA, PAKISTAN, TOGO),
3. RES WAS PUT TO VOTE AFTER A NUMBER OF DELS HAD QUESTIONED THE RIGHT OF FREE ACCESS TO AND FROM THE SEA OF LAND-LOCKED COUNTRIES AND HAD SUGGESTED THAT OP PARA FOUR OF THE TEXT BE MODIFIED.
4. SEPARATE VOTES WERE TAKEN ON OP PARA FOUR WHICH WAS RETAINED BY VOTE OF 66-5-45(US) AND ON OP PARA ONE (THE PARA RECOMMENDING A STUDY ON THE ESTABLISHMENT OF A FUND) WHICH WAS APPROVED BY 103-0-17(US).
5. IN DISCUSSION ON DRAFT RES PRIOR TO ADOPTION, UGANDA SAID IF THE LAND-LOCKED COUNTRIES WERE DENIED THE RIGHT TO FREE ACCESS TO THE SEA INTERNATIONAL TRADE AND ECONOMIC DEVELOPMENT IN GENERAL WOULD SUFFER.
6. PAKISTAN SAID UNDER INTERNATIONAL LAW, LAND-LOCKED COUNTRIES HAD NO ABSOLUTE RIGHT OF ACCESS TO THE SEA. THUS, THE ASSUMPTION IN OP PARA 4 WAS UNTENABLE, IN OPINION PAKISTAN, ALSO THAT THE ISSUE WAS STILL BEING STUDIED BY VARIOUS UNITED NATIONS BODIES, AND IT WAS NOT APPROPRIATE TO PREJUDGE IT AS THE DRAFT RES SEEMED
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Chronic
Mary
Banks

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PAGE 02

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TO DO, UNTIL THE CONCLUSIONS OF SUCH BODIES HAD BEEN CONSIDERED.

7. INDIA SAID WOULD BE UNABLE TO SUPPORT THE DRAFT IF ITS SPONSORS COULD NOT MODIFY IT.

8. AFGHANISTAN SAID THE RIGHT OF FREE ACCESS OF LAND-LOCKED COUNTRIES TO AND FROM THE SEA WAS RECOGNIZED BY THE INTERNATIONAL COMMUNITY AND WAS BASED ON FIRMLY-FOUNDED LEGAL PRINCIPLES. IN THIS CONNEXION, HE REFERRED TO THE GENERAL CONVENTION ON THE LAW OF THE SEA ADOPTED IN 1958, THE DECISIONS ADOPTED AT THE FOURTH SUMMIT CONFERENCE OF THE HEADS OF STATE HELD IN ALGIERS, AND THE KABUL DECLARATION. NEPAL MADE THE SAME POINTS.

9. KENYA ASSOCIATED SELF WITH THE POSITION OF PAKISTAN. HIS DELEGATION RECOGNIZED THE RIGHT TO FACILITATE THE TRANSIT OF LAND-LOCKED COUNTRIES TO AND FROM THE SEA, IN ACCORDANCE WITH RELEVANT AGREEMENTS.

10. ALGERIA, NIGERIA, IVORY COAST, TUNISIA AND PERU ALL STRESSING THE NEED FOR A CONSENSUS, UNSUCCESSFULLY URGED THAT THE SPONSORS OF THE DRAFT REVERT IN OP PARA FOUR TO THE WORDING "IN ACCORDANCE WITH RELEVANT AGREEMENTS" OF THE TEXT OF THE RESOLUTION ON THE QUESTION ADOPTED LAST YEAR. THAT RES WAS MORE FLEXIBLE AND THERE WAS LITTLE DIFFERENCE BETWEEN BOTH TEXTS. ALGERIA ADDED THAT THE DRAFT REFERRED TO THE RIGHTS OF LAND-LOCKED COUNTRIES, BUT SUCH COUNTRIES ALSO HAD DUTIES, HE SAID, CITING THE POSSIBILITY OF A LAND-LOCKED COUNTRY SEEKING TO SEND TROOPS AND WAR MATERIAL THROUGH A TRANSIT COUNTRY.

11. UPPER VOLTA STRESSED THE NEED TO HAVE ENSHRINED THE RIGHT OF FREE ACCESS TO AND FROM THE SEA, AND HE APPEALED TO ALL COUNTRIES WHICH HARBOURED MISGIVINGS TO ABANDON THEM AND SUPPORT THE DRAFT RES AS IT STOOD.

12. CHAIRMAN SAID CONSULTATIONS HAD BEEN TAKING PLACE FOR ALMOST A MONTH WITHOUT ANY AGREEMENT BEING REACHED. ACCORDINGLY HE PUT RESOLUTION TO A VOTE. SCALI

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ZEN/AMEMBASSY SUVA BY POUCH
XMT AMEMBASSY SUVA

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C O N F I D E N T I A L STATE 253425

CINCPAC AND CINCEUR FOR POLAD

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: STRAITS ISSUE

1. DURING NEGOTIATIONS ON STRAITS IN CARACAS SESSION OF THE LOS CONFERENCE, SOME STRAIT STATES SOUGHT TO CREATE A TREND TOWARD DISTINGUISHING BETWEEN MILITARY AND NON-MILITARY VESSELS USING INTERNATIONAL STRAITS, WITH FREEDOM OF TRANSIT PROVIDED FOR COMMERCIAL VESSELS AND RESTRICTIONS, INCLUDING REQUIREMENT FOR ADVANCE NOTIFICATION OR CONSENT, FOR MILITARY VESSELS. SIMILARLY, THERE WAS SOME EFFORT DIRECTED TOWARD ELIMINATING OVERFLIGHT FROM STRAIT TRANSIT REGIME.

2. POSTS SHOULD NOT REPEAT NOT RAISE ISSUE OF STRAITS AT THIS TIME UNLESS SPECIFICALLY INSTRUCTED TO DO SO. HOWEVER, DURING NORMAL CONTACTS, HOST GOVERNMENT LOS EXPERTS, MAY SOLICIT EMBASSY VIEWS ON ISSUE OF STRAITS NEGOTIATIONS AND ON DISTINCTION BETWEEN MILITARY AND NON-MILITARY VESSELS AND ON OVERFLIGHT. POSTS MUST MAKE CLEAR THAT U.S. CANNOT ACCEPT DISTINCTION BETWEEN TRANSIT OF MILITARY AND NON-MILITARY VESSELS THROUGH STRAITS. WE CONSIDER SATISFACTORY SOLUTION TO TRANSIT OF STRAITS ISSUE MUST INCLUDE GUARANTEED PASSAGE OF WARSHIPS AS WELL AS OVERFLIGHT OF AIRCRAFT AND SUBMERGED TRANSIT OF SUBMARINES. ANY EFFORT AT DISTINGUISHING BETWEEN COMMERCIAL AND MILITARY VESSELS WILL MAKE NEGOTIATION OF SATISFACTORY STRAITS REGIME EXCEEDINGLY DIFFICULT AND JEOPARDIZE SUCCESSFUL TREATY. POSTS SHOULD ALSO STRESS THAT OVERFLIGHT IS AN ESSENTIAL ELEMENT OF SATISFACTORY STRAITS TRANSIT REGIME.

KISSINGER

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TO USMISSION NATO 6459
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C O N F I D E N T I A L STATE 262003

E.O. 11652:GDS

TAGS: PLOS NATO

SUBJECT: LOS: NATO CONSULTATIONS

REF: NATO 5886

DEPT CONCURS IN US NATO RECOMMENDATION THAT WE PROPOSE
NATO CONSULTATIONS ON LOS SECURITY ISSUES. DEPT FOUND MAY
NAC MEETING USEFUL AND WOULD LIKE TO CONTINUE THIS PRACTICE,
BUT WOULD PREFER NAC MEETING CLOSER TO NEXT LOS CONFERENCE,
POSSIBLY LATE FEBRUARY OR EARLY MARCH. REQUEST MISSION
VIEWS ON TIMING, AS WELL AS PROSPECTS FOR AVOIDING DIVISIVE
ISSUES SUCH AS GREEK/TURKISH DISPUTE IN AEGEAN.
INGERSOLL

Chano

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TOR:211941Z NOV 74

R 211840Z NOV 74
FM AMEMBASSY LONDON
TO RUEHC/SECSTATE WASHDC 5925
INFO RUDKPNQ/AMEMBASSY COPENHAGEN 3269
RUDKGPQ/AMEMBASSY THE HAGUE 5237
RUEHMO/AMEMBASSY MOSCOW 2971
RUEHKO/AMEMBASSY TOKYO 2266
RUDKRW/AMEMBASSY WARSAW 0722
RUEHDT/USMISSION USUN NEW YORK 3570
BT

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 15288

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS SCIENTIFIC RESEARCH - MEETING OF "DUTCH GROUP"

1. SUMMARY: US REPS MET 20 NOVEMBER WITH PORTION OF DUTCH LOS CONTACT GROUP ON SCIENTIFIC RESEARCH. ITEMS DISCUSSED INCLUDED TACTICS FOR GENEVA SESSION OF CONFERENCE, COUNTRY POSITION ON CONSENT WITHIN ECONOMIC ZONE, AND ROLE OF SEABED AUTHORITY IN SCIENTIFIC ACTIVITIES BEYOND LIMITS OF NATIONAL JURISDICTION. END SUMMARY

2. US REPRESENTATIVES (WOLF (NSF) AND BUSBY (STATE) MET AM 20 NOVEMBER AT REQUEST OF CHAIRMAN WALKATE WITH MEMBERS OF DUTCH GROUP. PRESENT WERE REPRESENTATIVES OF NETHERLANDS (WALKATE), UK (BOSTON), DENMARK, USSR (KOVALEV), POLAND (LUKASIK). PRINCIPAL ISSUES DISCUSSED AS FOLLOWS:

(A) ISRA UK VERY STRONG ON LIMITING ANY POWERS OF ISRA TO SEABED ALONE, AND THEN ONLY WITH REGARD TO EXPLOITATIVE ACTIVITIES. OTHER MEMBERS SECONDED THIS, AND ALL AGREED THAT GROUP SHOULD TAKE UNITED STAND AGAINST ANY REGULATION OF SCIENTIFIC ACTIVITIES BEYOND THE LIMITS OF NATIONAL JURISDICTION.

(B) COUNTRY POSITION - USSR STATED THAT CONSENT REGIME FOR THE CONTINENTAL SHELF WAS ESSENTIAL PART OF THEIR POSITION AND MADE PITCH FOR MOVE IN THIS DIRECTION BY GROUP AS A WHOLE. THEY POINTED OUT THAT L-19 (DUTCH GROUP PROPOSAL) COULD BE MODIFIED IN THIS REGARD, RESULTING IN A LARGE ENOUGH GROUP TO ENSURE AT LEAST A BLOCKING THIRD IN CASE OF A VOTE (SEE SEPTTEL ON PRIVATE US/USSR MEETING). UK SUPPORTED THIS APPROACH AND DUTCH, ALTHOUGH NOT TAKING

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STRONG STAND, INDICATED PRIVATELY THAT THEY WERE OF OPINION THIS MIGHT BE BEST COURSE OF ACTION. DENMARK AND POLAND REMAINED SILENT ON THIS ISSUE. BOSTON FROM UK STATED THEY ENVISAGED 1958 SHELF CONVENTION EXTENDING TO THE EDGE OF THE MARGIN AND SUPERIMPOSED OVER IT A 200 MILE FISHING ZONE. BOSTON PRIVATELY NOTED DIFFICULTIES WITH THE FRENCH AND THE IRISH ON SHELF DELIMITATION AS INFLUENCING THEIR POSITION REGARDING THE 1958 SHELF CONVENTION.

(C) TACTICS FOR GENEVA - DUTCH SUGGESTED THAT CONTACT GROUP MEET ON TWO LEVELS IN GENEVA, THE SIX EUROPEAN SPONSORS OF L-19 WOULD MEET WITH THE CO-SPONSORS FROM DEVELOPING COUNTRIES, AND HOPEFULLY PICK UP OTHER LDCS TO ENLARGE THIS GROUP. PURPOSE WOULD BE TO RETAIN AS MUCH DEVELOPING COUNTRY SUPPORT AS POSSIBLE. IN ADDITION, REGULAR DUTCH GROUP WOULD CONTINUE TO HOLD MEETINGS TO PLAN STRATEGY AND COORDINATE EFFORTS. USSR AND DUTCH INTRODUCED POSSIBILITY OF OPTING FOR A "BLOCKING THIRD" STRATEGY WITH OBJECTIVE OF PREVENTING INCLUSION OF SCIENCE ARTICLE IN TREATY, ALTHOUGH US POINTED OUT THAT THIS COURSE OF ACTION PROBABLY NOT FEASIBLE, GROUP SEEMED TO FEEL IT MIGHT BE WORTH PERSUING FURTHER. USSR STATED THAT IF IT BECAME OBVIOUS TO DEVELOPING COUNTRIES THAT THERE WAS A BLOCKING THIRD AVAILABLE, THEY WOULD THEN BE MORE WILLING TO NEGOTIATE THAN AT PRESENT. USSR FELT

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 15288
THIS COULD BE USED TO OBTAIN TYPE OF REGIME THEY DESIRED,
(I.E. CONSENT ON SHELF AND FREEDOM IN WATER COLUMN).
POLAND IN STRESSING IMPORTANCE OF MAINTAINING A COHESIVE
GROUP, STATED POLAND HAD INFORMATION THAT DEVELOPING COUN-
TRIES INTENDED TO PUSH FOR VOTING EARLY IN GENEVA ON A
VARIETY OF ISSUES, AND THAT THEY WOULD INSIST TERM
"ECONOMIC ZONE" BE DROPPED IN FAVOR OF SIMPLY "ZONE."
THEY BELIEVED DEVELOPING COUNTRIES WOULD THEN USE THEIR
VOTING MAJORITY TO ENSURE JURIDICAL CONTENT OF ZONE WOULD
BECOME MORE TERRITORIAL. HE STATED THAT IN POLAND'S VIEWS
"THE FUTURE LOOKS BLACK." (COMMENT: THIS VIEW WAS
VOICED IN LESS STARK TERMS BY KOVALEV IN HIS INTRODUCTORY
REMARKS TO GROUP OF 17 MEETING).

(D) UNILATERAL CLAIMS - POLAND BROUGHT UP PENDING US
NATIONAL LEGISLATION (S.1988) AND STATED PASSAGE OF THIS
LEGISLATION WOULD HAVE "DISASTEROUS" EFFECT ON LOS CON-
FERENCE. UK AND USSR AGREED. IN FURTHER DISCUSSION,
POLAND REP STATED THAT HIS GOVERNMENT WAS "NOT AFRAID" OF
UNILATERALLY ESTABLISHED US ECONOMIC ZONE AND THAT IN
THE ABSENCE OF AN LOS TREATY, THEY WOULD PREFER TO HAVE
S1988 ENACTED AS AN EXAMPLE FOR THE REST OF
THE WORLD, SINCE THEY FEARED EXTREME UNILATERAL ACTION BY
DEVELOPING COUNTRIES AND FELT A "REASONABLE" US CLAIM
WOULD HAVE A STABILIZING EFFECT. HE CONTINUED TO STRESS,
HOWEVER, THAT THE PREFERRED OUTCOME WAS AN LOS TREATY, AND
HIS VIEWS ON UNILATERAL ACTION WERE MEANT TO APPLY ONLY IN
EXTREME SITUATION.

3. COMMENT: MEETING PROVIDED USEFUL OPPORTUNITY TO EX-
CHANGE VIEWS AND MAINTAIN CONTINUITY OF DUTCH GROUP.

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SOVIETS AND UK TENDED TO USE MEETING TO FURTHER THEIR OBJECTIVES ON THE SHELF AND IT SEEMS CLEAR THAT SOVIETS DECISION TO PUSH FOR CONSENT REGIME WILL GREATLY STRENGTHEN HAND OF ADVOCATES OF THIS POSITION. US REPS PRIVATELY ASKED WALKATE TO INFORM US OF ANY FURTHER THINKING HIS GOVERNMENT OR EEC MIGHT HAVE ON SUBJECT, AND IN PARTICULAR DESIRABILITY OF FURTHER DISCUSSIONS BEFORE ANY DECISION MADE BY DUTCH OR OTHER EUROPEAN COUNTRIES ON ISSUE. SPIERS

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INFO RUEHDT/USMISSION USUN NEW YORK 3564

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C O N F I D E N T I A L SECTION 01 OF 02 LONDON 15284

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: LONDON GROUP OF 17/MEETING

1. SUMMARY. US TEAM LED BY MOORE MET WITH GROUP OF 17 MARITIME STATES NOV. 18-20 TO DISCUSS MAINLY VESSEL POLLUTION ISSUES IN LOS NEGOTIATIONS AND BRIEFLY OTHER LOS ENVIRONMENTAL ISSUES. DISCUSSION CENTERED ON NEW UK DRAFT ARTICLES AND FINAL DRAFT FROM GROUP OF 17 DISCUSSIONS IN CARACAS. GROUP AGREED TO MEET AGAIN IN LONDON FEB 24-26, AND UK, IN COLLABORATION WITH US WILL DO REDRAFT OF PRESENT ARTICLES AS WELL AS A SET OF PROPOSED ARTICLES FOR CO-SPONSORSHIP. END SUMMARY.
2. US REP JOHN NORTON MOORE AND MARINE POLLUTION TEAM MET WITH GROUP OF 17 MARITIME STATES FOR 2-1/2 DAYS OF DISCUSSIONS ON MARINE POLLUTION ISSUES. GROUP DISCUSSIONS CENTERED ON NEW INFORMAL UK REDRAFT OF ARTICLES CIRCULATED A FEW DAYS PRIOR TO MEETING AND ON FINAL DRAFT GROUP OF 17 ARTICLES FROM CARACAS.
3. DEVELOPMENTS INCLUDED FOLLOWING. SOME DISAGREEMENT EMERGED CONCERNING INTERPRETATION OF OBLIGATION TO ENSURE COMPLIANCE WITH INTERNATIONAL STANDARDS WITH UK, FRANCE AND A FEW OTHERS ARGUING AGAINST BEING BOUND BY ANY STANDARDS THEY HAD NOT SPECIFICALLY RATIFIED.
4. DISCUSSION OF PORT STATE ENFORCEMENT PRODUCED SIGNIFICANT SUPPORT FOR A NUMBER OF RESTRICTIONS INCLUDING ACTION LIMITED TO VIOLATIONS CAUSING OR THREATENING DAMAGE TO PORT STATE; LIMITATION TO VIOLATIONS IN PORT STATE'S ECONOMIC ZONE UNLESS SPECIFICALLY REQUESTED OTHERWISE BY AN AFFECTED STATE; FLAG STATE PRE-EMPTION OF PROSECUTION, ETC.
5. COASTAL STATE ENFORCEMENT DISCUSSION INDICATED WIDE RANGE OF VIEWS WITH USSR AND SOME OTHERS SUPPORTING COASTAL RIGHT TO SEEK INFORMATION AS IN US DRAFT ARTICLES, SOME SUCH AS FRG SUPPORTING BOARDING AND INSPECTION AND

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OTHERS SUCH AS FRANCE AND JAPAN FAVORING ARREST POWER.
AREA LIMITATIONS INCLUDED 25 MILES, 50 MILES AND REQUIRE-
MENT OF DAMAGE OR THREAT OF DAMAGE WITH SOME SUPPORTING
NO AREA LIMITS FOR SUCH ACTIONS AS RADIO REQUESTS.

6. NO DISCUSSION OF NATIONAL STANDARD-SETTING TOOK PLACE
EXCEPT TO NOTE AGREEMENT ON OPPOSITION TO COASTAL STATE
STANDARDS BEYOND TERRITORIAL SEA.

7. SPECIAL AREA ITEM LED OFF BY ITALY WHICH PUSHED ITS
CARACAS PROPOSAL REQUIRING ADHERENCE TO IMCO 1973 CON-
VENTION SPECIAL AREAS. SOME OTHERS SUPPORTED THIS AP-
PROACH AS MAXIMUM WHILE SWEDEN AND DENMARK SUPPORTED
SWEDISH PROPOSAL WITH RIGHT FOR HIGHER DISCHARGE STANDARDS
BY COASTAL STATES.

8. BRIEF DISCUSSION OF DOUBLE STANDARDS INDICATED SOME
THOUGHT OF COMPROMISING ON LAND-BASED POLLUTION AND COM-

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 15284
 PLETE UNITY AGAINST DOUBLE STANDARD ON VESSEL SOURCE
 POLLUTION. APPROACH OF PARIS CONVENTION ALSO MENTIONED
 BY A NUMBER OF STATES.

9. UK AGREED TO DO REDRAFT BASED ON DISCUSSION AND TO
 PREPARE SUGGESTED DRAFT ARTICLES FOR POSSIBLE COSPONSOR-
 SHIP. UK AGREED TO COORDINATE WITH US IF GROUP AGREED.
 NEXT MEETING WILL BE HELD IN LONDON ON MONDAY, TUESDAY
 AND WEDNESDAY, FEB 24-26 AFTER EVENSEN GROUP MEETING IN
 NEW YORK. PURPOSE OF MEETING WILL BE TO FOCUS ON POS-
 SIBLE DRAFT ARTICLES FOR GROUP INTRODUCTION IN GENEVA.

10. COMMENT: DISCUSSION INDICATED GROUP OF 17 MARITIME
 STATES ARE MAINTAINING FAIR DEGREE OF COHESIVENESS AS
 ALTERNATE BLOC TO COASTAL STATE ZONAL ADVOCATES. MOOD OF
 MEETING WAS MORE CONSERVATIVE ON MARINE POLLUTION ISSUE
 THAN PREVIOUS MEETINGS AND IF ANYTHING GROUP SEEMED
 INCLINED TO WORK MORE CLOSELY TOGETHER THAN PREVIOUSLY.
 EXAMPLE OF MOOD WAS WIDELY SUPPORTED SUGGESTION BY U.K.
 CHAIRMAN AND POLISH REP THAT THOUGH THEY OPPOSED ZONAL
 APPROACH TO ENFORCEMENT, ANY PROPOSAL ALONG THOSE LINES,
 SUCH AS FRENCH OR JAPANESE PROPOSALS, SHOULD BE RESTRICT-
 ED TO AN AREA OF 25-50 MILES MAXIMUMS. PROBLEM OF GROUP
 CONTINUES TO BE OBTAINING SUPPORT FOR US APPROACH FOR
 STRONG PORT STATE ENFORCEMENT. US REP MOORE URGED SUP-
 PORT FOR US PORT STATE APPROACH AND PRIVATELY BOTH THE
 UK AND THE USSR SEEMED TO INDICATE SOME MOVEMENT IN THIS
 DIRECTION BUT WITH A MAXIMUM LIMITATION OF 200 MILES
 FROM THE PORT STATE FOR LOCATIONS OF VIOLATIONS WHICH
 WOULD GIVE JURISDICTION. US ALSO HAD PROBLEM WITH POORLY
 DRAFTED UK ARTICLES BUT HAS RECEIVED PLEDGE OF JOINT WORK
 ON ARTICLES BEFORE FUTURE DISTRIBUTION.

SPIERS

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C O N F I D E N T I A L SECTION 01 OF 02 LONDON 15284

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TAGS: PLOS

SUBJECT: LOS: LONDON GROUP OF 17/MEETING

1. SUMMARY. US TEAM LED BY MOORE MET WITH GROUP OF 17 MARITIME STATES NOV. 18-20 TO DISCUSS MAINLY VESSEL POLLUTION ISSUES IN LOS NEGOTIATIONS AND BRIEFLY OTHER LOS ENVIRONMENTAL ISSUES. DISCUSSION CENTERED ON NEW UK DRAFT ARTICLES AND FINAL DRAFT FROM GROUP OF 17 DISCUSSIONS IN CARACAS. GROUP AGREED TO MEET AGAIN IN LONDON FEB 24-26, AND UK, IN COLLABORATION WITH US WILL DO REDRAFT OF PRESENT ARTICLES AS WELL AS A SET OF PROPOSED ARTICLES FOR CO-SPONSORSHIP. END SUMMARY.
2. US REP JOHN NORTON MOORE AND MARINE POLLUTION TEAM MET WITH GROUP OF 17 MARITIME STATES FOR 2-1/2 DAYS OF DISCUSSIONS ON MARINE POLLUTION ISSUES. GROUP DISCUSSIONS CENTERED ON NEW INFORMAL UK REDRAFT OF ARTICLES CIRCULATED A FEW DAYS PRIOR TO MEETING AND ON FINAL DRAFT GROUP OF 17 ARTICLES FROM CARACAS.
3. DEVELOPMENTS INCLUDED FOLLOWING. SOME DISAGREEMENT EMERGED CONCERNING INTERPRETATION OF OBLIGATION TO ENSURE COMPLIANCE WITH INTERNATIONAL STANDARDS WITH UK, FRANCE AND A FEW OTHERS ARGUING AGAINST BEING BOUND BY ANY STANDARDS THEY HAD NOT SPECIFICALLY RATIFIED.
4. DISCUSSION OF PORT STATE ENFORCEMENT PRODUCED SIGNIFICANT SUPPORT FOR A NUMBER OF RESTRICTIONS INCLUDING ACTION LIMITED TO VIOLATIONS CAUSING OR THREATENING DAMAGE TO PORT STATE; LIMITATION TO VIOLATIONS IN PORT STATE'S ECONOMIC ZONE UNLESS SPECIFICALLY REQUESTED OTHERWISE BY AN AFFECTED STATE; FLAG STATE PRE-EMPTION OF PROSECUTION, ETC.
5. COASTAL STATE ENFORCEMENT DISCUSSION INDICATED WIDE RANGE OF VIEWS WITH USSR AND SOME OTHERS SUPPORTING COASTAL RIGHT TO SEEK INFORMATION AS IN US DRAFT ARTICLES, SOME SUCH AS FRG SUPPORTING BOARDING AND INSPECTION AND

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OTHERS SUCH AS FRANCE AND JAPAN FAVORING ARREST POWER.
AREA LIMITATIONS INCLUDED 25 MILES, 50 MILES AND REQUIRE-
MENT OF DAMAGE OR THREAT OF DAMAGE WITH SOME SUPPORTING
NO AREA LIMITS FOR SUCH ACTIONS AS RADIO REQUESTS.

6. NO DISCUSSION OF NATIONAL STANDARD-SETTING TOOK PLACE
EXCEPT TO NOTE AGREEMENT ON OPPOSITION TO COASTAL STATE
STANDARDS BEYOND TERRITORIAL SEA.

7. SPECIAL AREA ITEM LED OFF BY ITALY WHICH PUSHED ITS
CARACAS PROPOSAL REQUIRING ADHERENCE TO IMCO 1973 CON-
VENTION SPECIAL AREAS. SOME OTHERS SUPPORTED THIS AP-
PROACH AS MAXIMUM WHILE SWEDEN AND DENMARK SUPPORTED
SWEDISH PROPOSAL WITH RIGHT FOR HIGHER DISCHARGE STANDARDS
BY COASTAL STATES.

8. BRIEF DISCUSSION OF DOUBLE STANDARDS INDICATED SOME
THOUGHT OF COMPROMISING ON LAND-BASED POLLUTION AND COM-

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INFO RUEHDT/USMISSION USUN NEW YORK 3565
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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 15284
PLETE UNITY AGAINST DOUBLE STANDARD ON VESSEL SOURCE
POLLUTION. APPROACH OF PARIS CONVENTION ALSO MENTIONED
BY A NUMBER OF STATES.

9. UK AGREED TO DO REDRAFT BASED ON DISCUSSION AND TO
PREPARE SUGGESTED DRAFT ARTICLES FOR POSSIBLE COSPONSOR-
SHIP. UK AGREED TO COORDINATE WITH US IF GROUP AGREED.
NEXT MEETING WILL BE HELD IN LONDON ON MONDAY, TUESDAY
AND WEDNESDAY, FEB 24-26 AFTER EVENSEN GROUP MEETING IN
NEW YORK. PURPOSE OF MEETING WILL BE TO FOCUS ON POS-
SIBLE DRAFT ARTICLES FOR GROUP INTRODUCTION IN GENEVA.

10. COMMENT: DISCUSSION INDICATED GROUP OF 17 MARITIME
STATES ARE MAINTAINING FAIR DEGREE OF COHESIVENESS AS
ALTERNATE BLOC TO COASTAL STATE ZONAL ADVOCATES. MOOD OF
MEETING WAS MORE CONSERVATIVE ON MARINE POLLUTION ISSUE
THAN PREVIOUS MEETINGS AND IF ANYTHING GROUP SEEMED
INCLINED TO WORK MORE CLOSELY TOGETHER THAN PREVIOUSLY.
EXAMPLE OF MOOD WAS WIDELY SUPPORTED SUGGESTION BY U.K.
CHAIRMAN AND POLISH REP THAT THOUGH THEY OPPOSED ZONAL
APPROACH TO ENFORCEMENT, ANY PROPOSAL ALONG THOSE LINES,
SUCH AS FRENCH OR JAPANESE PROPOSALS, SHOULD BE RESTRICT-
ED TO AN AREA OF 25-50 MILES MAXIMUMS. PROBLEM OF GROUP
CONTINUES TO BE OBTAINING SUPPORT FOR US APPROACH FOR
STRONG PORT STATE ENFORCEMENT. US REP MOORE URGED SUP-
PORT FOR US PORT STATE APPROACH AND PRIVATELY BOTH THE
UK AND THE USSR SEEMED TO INDICATE SOME MOVEMENT IN THIS
DIRECTION BUT WITH A MAXIMUM LIMITATION OF 200 MILES
FROM THE PORT STATE FOR LOCATIONS OF VIOLATIONS WHICH
WOULD GIVE JURISDICTION. US ALSO HAD PROBLEM WITH POORLY
DRAFTED UK ARTICLES BUT HAS RECEIVED PLEDGE OF JOINT WORK
ON ARTICLES BEFORE FUTURE DISTRIBUTION.
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C O N F I D E N T I A L USUN 5153

E.O. 11652: GDS

TAGS: PLOS, UN

SUBJECT: LAW OF THE SEA CONFERENCE

1. IN DISCUSSION 18NOV, HALL(LOS CONFERENCE EXECUTIVE SECRETARY) CONFIRMED THAT AGUILAR HAS DEFINITELY DECLINED SYG'S OFFER TO SUCCEED STAVROPOULOS AS SYG'S SPECIAL REP TO LOS CONFERENCE. WALDHEIM HAS OFFERED THE POST TO CASTANEDA BUT NO ANSWER HAS YET BEEN RECEIVED. HALL SAID THAT, WHILE THERE ARE AT LEAST A FEW OTHER QUALIFIED PERSONS WHO MIGHT BE POLITICALLY ACCEPTABLE, PRESSURE FOR UNQUALIFIED OFFICE-SEEKERS COULD BECOME INTENSE WERE CASTANEDA ALSO TO DECLIE.

2. HALL SAID AMERASINGHE HAS BEEN DISCUSSING WITH UNDER SYG FOR ADMINISTRATION DAVIDSON BEST WAY TO PRESERVE POSSIBILITY OF SUBSTANTIAL CONFERENCE WORK FOLLOWING GENEVA SESSION. (WEO'S ARE NO LONGER PRESSING POSSIBILITY OF AMENDMENT TO CURRENT AMERASINGHE DRAFT RES IN LIGHT OF TURNDOWN BY GROUP OF 77 OF "FURTHER ARRANGEMENTS" LANGUAGE; HALL THOUGHT WEO'S WOULD BE UNWISE TO DO SO BECAUSE OF CERTAIN FAILURE AND ITS DIVISIVE CONSEQUENCES.) ALTHOUGH HE WAS NOT FULLY INFORMED, HE THOUGHT AMERASINGHE AND DAVIDSON ARE CONSIDERING PLANNING FOR A QUESTION TO BE ASKED BY A DEL IN THE FIFTH COMMITTEE AS TO POSSIBILITY OF MEETINGS FOLLOWING GENEVA.

ANSWER WOULD BE GIVEN THAT THE SECRETARIAT WOULD TRY TO PLAN FOR MEETINGS (IN NEW YORK) THAT COULD INCLUDE SOME 3 OR 4 SERVICED MTGS/DAY (IE WITH SUMULTANEOUS INTERPRETATION AND SUMMARY RECOMRDS). THIS COULD ACCOMMODATE ON A DAILY BASIS CONFERENCE PLENARY, 1 COMMITTEE OF THE WHOLE AND 1 OR MORE INFORMAL CONSULTATION REGIONAL GROUP SESSIONS. HALL WAS NOT SURE WHO WOULD RAISE THE QUESTION IN THE FIFTH COMMITTEE; A SMALL COUNTRY QUESTIONER MIGHT ELICIT THE MOST FAVORABLE RESPONSE. IN ANSWER TO OUR QUESTION, HALL SAID THE SECRETARIAT IS ALSO TRYING TO MAKE PROVISIONS FOR A THREE-WEEK CONFERENCE

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SESSION AT CARACAS ON THE SAME BASIS OF SERVICING 3 OR
54 MTHGS/DAY.

3. HALL NOTED THAT AMERASINGHE WILL NOT PROPOSE THE DRAFT
LOS RES TO UNGA; THERE IS NO PRECEDENT FOR A UN
CONFERENCE PRESIDENTS DOING SO AND IT COULD BE QUITE
UNDESIREABLE WHEN APPLIED TO FUTURE CONFERENCES. DRAFT
RES ILL THUS APPEAR IN CONVENTIONAL FORM WITH THE
COSPONSORSHIP OF A NUMBER OF MEMBERS. HE HOPED ENOUGH
WEO'S WOULD JOIN LDC'S IN SPONSORING SO THAT RESULT
WOULD NOT APPEAR PARTISAN. THE MATTER WOULD NOT COME UP
IN PLENARY THIS WEEK AND IN VIEW OF REQUIRMENT OF
ACABQ/FIFTH COMMITTEE TO CONSIDER FINANCIAL IMPLICATIOND
OF DRAFT RESOLUTION, IT MIGHT NOT BE READY FOR PLENARY UNTIL
BEGINNING OF DEC.

4. HALL SAID HE APPRECIATES CONCERN OF US FOR CONFERENCE
SESSIONS ADDITIONAL TO GENEVA BUT SUGGESTED THAT SUCH
SESSION COULD BE HARMFUL IF RESULTS ACHIEVED IN GENEVA
WERE NOT SUBSTANTIAL. HE VENTURED TO SUGGEST THAT IN
THAT CIRCUMSTANCE MARITIME POWERS MIGHT PREFER LESS-THAN-
CONCRETE ARRANGEMENTS FOR A CONFERENCE SESSION FOLLOW-ON
IN LAST HALF OF 1975.

5. WHEN, LATER THE SAME DAY, AMBASSADOR STEVENSON TALKED
TO PRESIDENT AMERASHINGHE, THE LATTER CONFIRMED HE HAS
SPOKEN WITH UNDER SYG DAVIDSON WHO AGREED, ASSUMING
AN APPROPRIATE REQUEST FROM THE FLOOR, TO GIVE ASSURANCES
THAT POST-GENEVA SESSION COULD BE HELD. IN RESPONSE TO
STEVENSON'S QUESTION, AMERASHINGHE DID NOT THINK THE
SECRETARIAT ASSURANCE WOULD GIVE RISE TO OBJECTION SINCE
THE 1973 LOS RES SPEAKES OF CONVENING "NOT LATER THAN 1975
ANY SUBSEQUENT SESSIONS AS MAY BE DECIDED UPON
BY THE CONFERENCE AND APPROVED BY THE GENERAL ASSEMBLY"
(PARA . 4, RES 3067). AMERASHINGHE SAID HE WILL ARRANGE
FOR A SYMPATHETIC DEL TO ASK THE NECESSARY QUESTION IN
IN COMMITTEE FIVE. WHILE HE WOULD HAVE PREFERRED HIS OWN
FORMULATION FOR POST-GENEVA WORK, HE THOUGH CURRENT PLAN
CONSTITUTED BEST OBTAINABLE RESULT. SCALI

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C O N F I D E N T I A L USUN 4916

E.O. 11652: GDS

TAGS: PLOS

SUBJ: COMMENTS BY CHAIRMAN OF GROUP OF 77 ON DECISION BY
GROUP TO OPPOSE SECOND SESSION OF LAW OF SEA
CONFERENCE IN 1975

REF: USUN 4882

1. CHAIRMAN OF GROUP OF 77 LAW OF SEA, AMB ZULETA OF COLOMBIA, MADE FOLLOWING COMMENTS TO AMB STEVENSON REGARDING ACTION OF GROUP OF 77 REPORTED IN REFTEL OPPOSING CONFERENCE RESOLUTION WHICH WOULD AUTHORIZE A SECOND SESSION IN 1975.
2. FIRST IN HIS VIEW THE ECISION REPORTED A VERY BROAD CONSENSUS WITH GROUP OF 77. HE INDICATED THAT APPROXIMATELY 70 DELS HAD BEEN REPRESENTED AT THE MEETING.
3. SECONDLY, DECISION SHOULD NOT BE CONSTRUED AS MERELY OPPOSITION IN ANY EXPRESS REFERENCE IN RESOLUTION TO TAKING WHATEVER ACTION MIGHT BE NECESSARY TO FINISH NEXT YEAR, BUT OPPOSITION IN FACT TO HOLDING A SECOND SESSION EVEN IF THE DECISION WERE NOT MADE UNTIL END OF GENEVA SESSION.
4. THIRD, CONSENSUS REPRESENTED A NUMBER OF DIFFERENT POINTS OF VIEW, MOST SIGNIFICANT IN HIS VIEW WAS UNWILLINGNESS OF SMALLER COUNTRIES TO ALLOCATE PERSONNEL REQUIRED FOR A SECOND SESSION EVEN IF SESSION TOOK PLACE IN NEW YORK. MANY DELS CONTINUE TO BE OF VIEW THAT A SECOND SESSION WOULD NOT ACCOMPLISH SIGNIFICANTLY MORE THAN ONE SESSION COULD ACCOMPLISH UNLESS THERE WERE A GREATER TIME INTERVAL BETWEEN TWO SESSIONS THAN A SECOND SESSION THIS SUMMER WOULD PERMIT.
5. FOURTH, A NUMBER OF DELS THOUGHT THAT REQUEST FOR A SECOND SESSION WAS BEING MADE PRIMARILY IN RESPONSE TO PRESSURE BY US CONGRESS AND US GOVT AND DID NOT WISH TO YIELD TO SUCH A THREAT.
6. FIFTH, A NUMBER OF DELS WERE CONTINUING TO FOLLOW DILATORY TACTICS AND SEEMED CLEAR HE HAD IN MIND PERU. THIS WAS FACILITATED SINCE NO ONE HAD SPOKEN IN SUPPORT OF A SECOND SESSION AT GROUP OF 77 MEETING.

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7. AMB STEVENSON REITERATED TO AMB ZULETA HIS CONCERN THAT IF A TREATY IS NOT AGREED OR SUBSEQUENTLY AGREED UPON NEXT YEAR THERE WILL BE UNILATERAL ACTION NOT ONLY IN US BUT IN A NUMBER OF OTHER COUNTRIES IN RESPONSE TO PRESSING DOMESTIC CONCERNS. IF AGREEMENT NOT ACHIEVED NEXT YEAR OPPORTUNITY MAY BE LOST. BRINGING THIS TO DELEGATES' ATTENTION WAS NOT INTENDED AS A THREAT BUT MERELY A STATEMENT OF REALITIES. HE INDICATED APPRECIATION OF LIMITED KNOWLEDGEABLE PERSONNEL OF SMALLER COUNTRIES BUT SUGGESTED THAT THEY WOULD IN THE END HAVE TO ALLOCATE LESS PERSONAL TIME TO LAW OF THE SEA IF WE WERE TO ACHIEVE AGREEMENT NEXT YEAR THAN IF NEGOTIATIONS GO ON INTO INDEFINITE FUTURE. AMB ZULETA SAID HE UNDERSTOOD AND APPRECIATEE US GOVT POINT OF VIEW BUT THAT IN HIS OPINION THERE WAS VERY LITTLE HOPE OF TURNING AROUND GROUP OF 77 DETERMINATION ON THIS ISSUE.

8. AMB ZULETA ALSO INDICATED THAT GRUP OF 77 HAD DECIDED TO HOLD CONSULTATIONS ON COMMITTEE I ISSUES, I.E., THE DEEP SEABED REGIME -- NEXT YEAR IN NEW YORK JAN 15-24. ALVERO DE SOTO OF PERU INS GROUP OF 77 COORDINATOR. SCALI

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C O N F I D E N T I A L
LIMITED OFFICIAL USE ROME 15616
E.O. 11652: N/A
TAGS: OCON, UNWFC
SUBJECT: WORLD FOOD CONFERENCE: LOS
FOR L AND D/LOS

1. WFC CONSIDERING PERUVIAN DRAFT DECLARATION ON THE ERADICATION
OF HUNGER PARAGRAPH 11 OF WHICH READS: QUOTE MARINE RESOURCES ARE
TODAY BECOMING MORE IMPORTANT THAN EVER AS A NEW SOURCE OF FOOD AND
ECONOMIC PROSPERITY. ACCORDINGLY, ACTION SHOULD BE TAKEN TO PROMOTE
AND ASSURE THE RATIONAL EXPLOITATION OF THOSE RESOURCES WHILE
RESPECTING THE SOVEREIGN RIGHTS OF LITTORAL STATES WITHIN THE LIMITS
OF THEIR TERRITORIAL JURISDICTION AND TAKING ACCOUNT OF THE VALUE
OF INTERNATIONAL COOPERATION TO CONTRIBUTE TO MEETING THE
FOOD REQUIREMENTS OF ALL PEOPLES. UNQUOTE.
2. USDEL WILL CONTINUE TO RESIST INCLUSION IN DECLARATION OF
ANY TEXT RAISING LOS ISSUES, BUT IN VIEW OF IMPORTANCE OF FISH-
ERIES AS SOURCE OF FOOD, IT MAY BE DIFFICULT TO EXCLUDE ALL MENTION
THIS RESOURCE, WE WOULD THEREFORE APPRECIATE DEPARTMENT'S
SUGGESTIONS ON REVISIONS OF TEXT THAT WOULD MAKE IT ACCEPT-
ABLE TO US. WOULD IT BE SUFFICIENT TO DELETE QUOTE SOVEREIGN
UNQUOTE AND QUOTE TERRITORIAL UNQUOTE? VOLPE

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E.O. 11652: N/A

TAGS: PLOS, IN

SUBJECT: LOSI INVITATION FROM ASIAN-AFRICAN LEGAL CONSULTA-
TIVE COMMITTEE TO OBSERVE DISCUSSIONS

REF: STATE 230297

1. THE EMBASSY RECEIVED A CIRCULAR NOTE DATED OCTOBER 17 FROM THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE (HEADQUARTERED IN NEW DELHI) ADVISING THAT THE 16TH SESSION OF THE COMMITTEE WILL BE HELD IN TEHRAN JAN. 26-FEB. 2 INCLUSIVE, THE NOTE INDICATES THAT "THE LAW OF THE SEA AND SEA BED" WILL BE THE "PRIORITY TOPIC" AND THAT REQUESTS FOR ATTENDANCE AS OBSERVERS AT THE SESSION SHOULD REACH THE SECRETARIAT NOT LATER THAN DECEMBER 16.
2. THE EMBASSY IS POUCHING COPIES OF THE NOTE AND THE ATTACHED PROVISIONAL AGENDA TO THE DEPARTMENT (D/LOS) AND AMEMBASSY TEHRAN, AND WILL AWAIT DEPARTMENT INSTRUCTIONS BEFORE RESPONDING. MOYNIHAN

WUS Chemo

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